



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEPR-O (715)

28 OCT 1995

MEMORANDUM FOR COMMANDER, ALL MAJOR SUBORDINATE COMMANDS,
DISTRICT COMMANDS, FIELD OPERATING ACTIVITIES
AND LABORATORIES, ATTN: DIRECTOR/CHIEF,
CONTRACTING DIVISION

SUBJECT: PARC Instruction Letter 96-8, Redlegation of Authority for Research and Development Grants, Cooperative Agreements and Other Transactions (GCA) Under 10 U.S.C. 2358 and 10 U.S.C. 2371

1. Reference PARC Instruction Letter (PIL) 95-3, dated 2 Feb 95.
2. Enclosed is the increased authority to award and administer subject actions. This increased authority will apply to all Grants Officers who are qualified under the referenced PIL and revised warrants will be issued on a case by case basis, based on qualifications and demonstrated need. Note that this authority is restricted to the two subject statutes and is limited to \$ 5 Million for any one year or \$25 Million for all years.
3. We realize that this change affects our labs more than other our other activities. However, there will be a Corps-wide GCA SOP issued in approximately two months that will prescribe updated Corps-wide authority and procedures for the use of these assistance instruments in non-R&D areas (e.g., LCAs and PCAs) that will affect all of our activities.
4. My POC in this matter is Hugh Roberts (202) 761-5220.

FOR THE COMMANDER:

Encl

THOMAS J. QUIGLEY
Colonel, Corps of Engineers
Acting Principal Assistant
Responsible for Contracting



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

REPLY TO
ATTENTION OF

11 OCT 1996

SARD-PPP

MEMORANDUM FOR COMMANDER, U.S. ARMY CORPS OF ENGINEERS,
ATTN: CECG, 20 MASSACHUSETTS AVENUE,
N.W., WASHINGTON, D.C. 20314-1000

SUBJECT: Redlegation of Authority in 10 U.S.C. §2358
and 10 U.S.C. §2371

The Secretary of the Army has delegated to the Assistant Secretary of the Army (Research, Development, and Acquisition), with power of redelegation, the authority to perform research and development using grants, cooperative agreements, and other transactions under 10 U.S.C. §2358 and 10 U.S.C. §2371. I hereby further redelegate this authority to you in accordance with the following:

Pursuant to 10 U.S.C. §2358:

- o You may engage in research and development projects that are necessary to the responsibilities of the Department of the Army in the field of research and development. These projects must either relate to weapon systems and other military needs or be of potential interest to the Department of Defense.

- o You may perform such research and development projects by utilizing contract, cooperative agreement, or grant awarded in accordance with chapter 63 of Title 31; through one or more of the military departments; by using employees and consultants of the Department of Defense; or by



mutual agreement with the head of any other department or agency of the Federal Government.

Pursuant to 10 U.S.C. §2371:

- o You may enter into transactions (other than contracts, cooperative agreements, and grants) in carrying out research projects.

- o You may include a clause that requires payment to be made to the Army or any other department or agency of the Federal Government as a condition for receiving support under a cooperative agreement or "other transaction" for a research project. When such a clause is used, any amount received shall be credited and merged, to the extent authorized by the Secretary of Defense, with other funds in the special Treasury account for the Army and shall be available for the same purposes and for the same period for which other funds in the account are available.

- o The following statutory restrictions apply to the use of the authority in 10 U.S.C. §2371:

- oo Research performed under such authority to the maximum extent practicable, must not be duplicative.

- oo To the extent practicable, funds expended by the Army cannot exceed the total amount of funds provided by any other parties in connection with any single project.

- oo Cooperative agreements and "other transactions" under this authority may be used only when the use of a standard contract, grant, or cooperative agreement is not feasible or appropriate.

This delegation is subject to the following terms and conditions:

All proposed grants, cooperative agreements, or "other transactions" to be entered into under the authority of 10 U.S.C. 2358 or 10 U.S.C. 2371, with a value in excess of \$5 million for any one year or \$25 million for all years, must be approved by the Deputy Assistant Secretary of the Army (Procurement) prior to award. You shall submit each of these proposed assistance instruments, together with all documentation required, as discussed below, through command channels to the Office of the Deputy Assistant Secretary of the Army (Procurement), ATTN: SARD-PPP (S. Lake).

You shall follow the DoD Grant and Cooperative Agreement Regulations (DoD 3210.6) and Circulars as well as other guidance published by the Director, Defense Research and Engineering, in carrying out these redelegated authorities under 10 U.S.C. §2358 and 10 U.S.C. §2371.

You shall ensure that the required information for the annual report to Congress on cooperative agreements and "other transactions", as specified in 10 U.S.C. §2371 (h), is submitted not later than 14 days after award of the assistance instrument to the Office of the Deputy Assistant Secretary of the Army (Procurement), Attention: SARD-PPP (S. Lake). Also, you shall submit on a quarterly basis lessons learned on your use and experiences with "other transactions". Negative reports are not required.

You shall establish a trained staff element in each subordinate contracting office with the authority to prepare, execute, and administer assistance arrangements. It is Army policy that only warranted Contracting Officers be further warranted as Grant Officers.

You shall ensure that all contracting officers to be further warranted as grants officers, and others in support of the assistance staff, including Legal Counsel, receive appropriate training on assistance execution and management. The mandatory DoD course is entitled "Grants Management" (GRT 201). Other courses on Grants Management are available from commercial firms and other Government agencies; however, grants officers attending such training must still attend the DoD Grants Management course.

You shall ensure that knowledgeable legal and policy support is available to assistance staff elements; senior managers; and technical and project/program managers. To this end, ensure that all relevant laws and pertinent Code of Federal Regulations (CFR) references (to include OMB Circulars) are made available to personnel with assistance responsibility.

You shall ensure that each file is documented with the legal authority for the action and the basis for the determination to use a non-procurement instrument. The documentation must fully address all conditions of the statutory and regulatory authority. The file should reflect evidence of legal sufficiency review of both the assistance instrument and the file documents.

This authority may be further redelegated to chiefs of subordinate contracting offices (where applicable); however, the authority shall not be further delegated to contracting offices which do not have a significant assistance mission in support of a research organization.

This redelegation shall be effective immediately and will expire on September 30, 1998. All prior redelegations of this authority are hereby rescinded without prejudice to actions taken thereunder.

 ACTING ASA(RDA)

Gilbert F. Decker
Assistant Secretary of the Army
(Research, Development and Acquisition)

CF:
SAGC (Frank Sando, Jim Miller)
DDR&E (Dr. Mark Herbst)
SFAE-CSA-PP (Tom Colangelo)
SARD-ZT